

Victoria

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GENERAL COUNSEL

OCT 6 2000

Before the State of South Carolina  
Department of Insurance

STATE OF SOUTH CAROLINA  
DEPARTMENT OF INSURANCE

In the matter of: )  
 )  
William E. Brooks )  
 )  
414 West Pittsburg Street )  
Greensburg, Pennsylvania 15601 )  
\_\_\_\_\_ )

Consent Order  
Imposing Administrative Penalty  
  
File Number  
102017

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and William E. Brooks, Old Republic Insurance Company, a licensed State of South Carolina non-resident insurance adjuster.

The Department received evidence that Brooks adjusted an automobile insurance claim in the State of South Carolina prior to being licensed. Brooks hereby admits, and I find as fact, that his actions violated South Carolina Code § 38-47-10 (Supp. 1999). This violation of South Carolina Code § 38-47-10 (Supp. 1999) could ultimately lead to the revocation of Brooks' adjuster's license in South Carolina following a public hearing at the Administrative Law Judge Division.

Prior to the initiation of formal administrative disciplinary proceedings by the Department against him, Brooks and the Department agreed to submit the entire matter to me, along with their specific recommendation, for my summary decision. That consensual recommendation was that, in lieu of the Department's filing of a petition to revoke Brooks' adjuster's license to adjust claims within the State of South Carolina, he would waive his right to a public hearing and immediately submit to the Department, via check, an administrative penalty in the total amount of \$1,000.

South Carolina Code § 38-47-10 (Supp. 1999) requires, in pertinent part, that "every individual commonly called and adjuster, adjusting losses for an insurer licensed to do business in this State, must be licensed by the Director or his designee."

After a thorough review of the matter, carefully considering the recommendation of the parties, and pursuant to my findings of fact and conclusions of law, although I can now revoke Brooks' adjuster license, I hereby impose and administrative fine in the amount of \$1,000 against Brooks' pursuant to the authority provided to me by the State of South Carolina General Assembly in S.C. Code Ann. § 38-5-130 (Supp. 1999) and 38-2-10 (Supp. 1997). This administrative penalty must be paid within ten days of my date and my signature upon this Consent Order Imposing Administrative Penalty.

William E. Brooks

If that total amount is not paid on, or before, that date, then Brooks' license as a non-resident insurance adjuster within the State of South Carolina will be summarily revoked without any further administrative disciplinary proceedings. This penalty has been reached by the parties as a result of negotiation and compromise, and in consideration of Brooks' assurance that he will in the future comply with South Carolina's insurance laws, particularly regarding the adjusting of South Carolina claims.

By his signature upon this Consent Order, Brooks acknowledges that he understands that this administrative order is a public record subject to the disclosure requirements of the state of South Carolina's Freedom of Information Act, S.C. Code and § 30-4-10, et seq. (1991, as amended). Nothing contained within this administrative disciplinary order should be construed to limit, or to deprive any person of, any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty, pursuant to S.C. Code Ann. § 38-3-110 (Supp. 1997), of the Director of Insurance, exercised either directly or through the Department, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the laws relative to the business of insurance or the provisions of this title which he considers necessary to report."

It is therefore, ordered, that Brooks shall, within ten days of my date and my signature upon this Consent Order Imposing Administrative Penalty, pay through the Department an administrative penalty in the total amount of \$1,000.


It is further ordered that a copy of this Consent Order Imposing Administrative Penalty shall be immediately transmitted to the National Association of Insurance Commissioners for distribution to its member states.

This Consent Order becomes effective on the date of my signature below.



Ernst N. Csiszar  
Director

October 13, 2000 at  
Columbia, South Carolina

 William E. Brooks

I CONSENT:

for Old Republic Insurance Co.

by David C. Kostenbader

\_\_\_\_\_  
William E. Brooks  
414 West Pittsburg Street  
Greensburg, Pennsylvania 15601-0789

DAVID C. KOSTENBADER  
ASSISTANT CONTROLLER

Dated this 3<sup>RD</sup> day of October, 2000